

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
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Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

U. S. DISTRICT COURT
WESTERN DISTRICT OF MO
ST. LOUIS

October 31, 2005

Richard Sletten, Clerk
202 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: MDL-1431 -- In re Baycol Products Liability Litigation

Tom Bair, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1525 **RWS**

Lonnie Casto, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1526 **CAS**

Elaine Demery, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1527 **CEJ**

Betty Asher, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1528 **RWS**

Dear Mr. Sletten:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on October 13, 2005. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By *Dana L. Stewart*
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Michael J. Davis
Transferor Judges: Judge Frederick R. Buckles; Judge Carol E. Jackson; Judge Rodney W. Sippel
Transferor Clerk: James Woodward

OCT 13 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1431

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE BAYCOL PRODUCTS LIABILITY LITIGATION

Tom Bair, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1525
Lonnie Casto, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1526
Elaine Demery, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1527
Betty Asher, et al. v. Bayer Pharmaceuticals Corp., E.D. Missouri, C.A. No. 4:05-1528

CONDITIONAL TRANSFER ORDER (CTO-64)

On December 18, 2001, the Panel transferred 33 civil actions to the United States District Court for the District of Minnesota for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 6,739 additional actions have been transferred to the District of Minnesota. With the consent of that court, all such actions have been assigned to the Honorable Michael J. Davis.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Minnesota and assigned to Judge Davis.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Minnesota for the reasons stated in the order of December 18, 2001, 180 F.Supp.2d 1378 (J.P.M.L. 2001), and, with the consent of that court, assigned to the Honorable Michael J. Davis.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Minnesota. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

OCT 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

INVOLVED COUNSEL LIST (CTO-64)
DOCKET NO. 1431
IN RE BAYCOL PRODUCTS LIABILITY LITIGATION

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